

Commission on Fatherhood Issues
Commission Meeting #3 – October 10, 2002

Meeting Summary

Members present: Sen. Michael J. McAlevey, Co-Chair ; Rep. Deborah L. Simpson, Co-Chair; Sen. Peggy Pendleton, Rep. Marie Laverriere-Boucher, Emily Douglas, Ph. D.; Michael Heath and Heidi Leinonen.

Staff present: Peggy Reinsch, Phil McCarthy and Alison Ames.

Public present: Craig Ladd and Mona Bloom.

1. Call to order. The Commission meeting was called to order at 9:35 a.m.

2. Review meeting agenda and expectations. Sen. McAlevey asked Commission members and staff to introduce themselves; informed members that the meeting was being Web Cast and then reviewed the day's agenda.

3. Overview of recent statutory changes related to parental rights & responsibilities. Peggy Reinsch, Office of Policy & Legal Analysis, provided a legislative perspective on state policy and recent amendments to the statutes regarding parental rights and responsibilities. Ms. Reinsch presented materials to clarify statutory provisions related to the following:

- ♦ Definitions of “allocated,” “shared” and “sole” parental rights and responsibilities;
- ♦ The standard of the “best interests of the child” and factors the Court must consider in determining these interests;
- ♦ Public policy declarations that a minor child should have “frequent and continuing contact” with both parents, that it is in “the public interest to encourage parents to share the rights and responsibilities of child rearing” and that the Court is prohibited from applying a preference for one parent over another because of the parent's gender;
- ♦ Directives to the Court with respect to court orders involving “shared primary residential care” when parties agree to, as compared to when they contest, “shared parental rights and responsibilities”; and
- ♦ Directives to the Court with respect to Protection from abuse (PFA) orders, including willful misuse of PFA process.

Handouts. Ms. Reinsch provided the following materials to the Commission:

- ♦ Selected Family Law Statutes from Title 19-A; and
- ♦ Maine Family Law Advisory Commission – Report to the Legislature's Judiciary Committee re: LD 1405.

Discussion. Commission members and Ms. Reinsch discussed the following:

- ♦ Based on constituents' protests, “shared” parental rights aren't usually allocated;

- ♦ While a court defines “shared” parental rights in its order and -- if an order is not complied with -- expect parties to return to court; can other efforts ensure enforcement and compliance with the state policy that a child have “frequent and continuing contact” with both parents;
- ♦ Extent to which the definitions of “parental rights and responsibilities” compares or contrasts with “legal custody” or “physical custody” definitions in other states; and the prospects of revising these provisions -- while upholding legislative intent -- to clear-up confusion; and
- ♦ The so-called “presumption of joint custody” may be a misunderstanding of the statute related to proceedings where both parties agree in open court to a “shared” parenting arrangement – *if* parents agree to “shared parental rights and responsibilities,” *then* the Court must honor this agreement *unless* the Court finds substantial evidence that “shared” parental rights should not be ordered (and states its reasons in the order).

4. Non-Custodial Parent Outreach and Investigation Project (NCPOIP). Panel of Attorney General and Muskie School staff, including Jessica Maurer, Diane Friese, George Shaler and Alan Robitaille, provided a briefing on this project including the following information:

- ♦ NCPOIP is a two-year demonstration project (July, 2001 to July, 2003) awarded to the Maine DHS Division of Support Enforcement and Recovery, by the federal Office of Child Support Enforcement; this project works in partnership with the Muskie Institute for Public Sector Innovation, the Maine AG Office, the judiciary and various community-based organizations; and the AG Office employs the outreach investigators;
- ♦ The purpose of the project is to facilitate payment of child support from chronic non-paying parents and putative fathers who are statutorily in default in a legal proceeding; project investigators identify reasons why a significant number of parents do not pay support or participate in the legal process; investigators focus on parents who have not paid support in over a year and young fathers who have defaulted in a pending paternity action;
- ♦ The goals of the project are to reduce the backlog of non-payers, eliminate future non-payers by intervening early in defaulting paternity cases, identify barriers to non-payment, and create a model for pursuing these cases in the future;
- ♦ As part of the project, investigators first contact the custodial parents to explain the project and screen the case for domestic violence, (*Note: if serious domestic violence is alleged, the case is screened out of the project as a safety precaution; however, the case remains in the legal system and moves forward like any other case in the system*); investigators secure significant amounts of demographic information from both the custodial parent and non-custodial parent; and, if the case remains in the project, the investigators next contact putative fathers and non-custodial parents to arrange interviews;
- ♦ The investigators explain the legal process to the defaulting parents; and then investigators identify barriers to the participation in the process or the payment of support; barriers identified to date are: literacy, mental illness, substance abuse, education, access to health care, housing, transportation, visitation, and prior involvement with the criminal justice system; the investigator works with the individual to resolve barriers and refers the individual to community-based organizations who are able to help resolve barriers;
- ♦ A review of the first 100 cases handled, the project appears to be a success; all of the parents have been very willing to cooperate with the investigators; most paternity cases in the project have resulted in negotiated settlements after paternity testing and none of the cases within the project have resulted in a default; many of the parents who were originally in default in the

process are now paying support and having contact with their children; and additionally, upon investigation, several enforcement cases were closed when individuals successfully applied for social security or were found to be living with the custodial parent and child;

- ♦ Finally, many parents have received help obtaining health care, transportation, job training and counseling via referrals to community-based organizations; and the Muskie Institute has created resource guides for York, Somerset and Penobscot counties to help investigators identify community resources.

Handouts. Panel members provided the following materials to the Commission:

- ♦ NCPOIP Packet: Information brochures on legal terms, establishing paternity, the child support enforcement and recovery process and free and reduced fee legal services;
- ♦ NCPOIP Data Summary through August 2002; and
- ♦ NCPOIP Resource Guide for York County.

Discussion. Commission members and panelists discussed the following aspects of the presentation:

- ♦ Cost-benefit analysis of project involving 500 cases with a \$195,000 budget as compared to costs of bringing enforcement actions against non-custodial parent and obligors in a similar number of cases and the related social and psychological costs; and
- ♦ While federal grant requirements prohibited placing this project in DHS, would the AG Office or judiciary branch be the best location for this program if the program continues after federal funding ends.

5. The Gender Project. Aileen Fortune, University of Maine Cooperative Extension, York County Office, provided information related to programs and initiatives exploring gender socialization issues. Ms. Fortune presented the following perspectives on the socialization of boys and girls in our culture:

- ♦ Both boys and girls need a full repertoire of skills to become happy, successful adults, including developing a strong identity, developing and maintaining healthy relationships and to be able to achieve their full potential;
- ♦ Socialization of boys and girls in our culture helps and hurts in different ways – the overwhelming influence of media, concerns over bullying and violence in schools, school achievement, body image and eating disorders, dating violence, alcohol and substance abuse and dangerous risk-taking behaviors;
- ♦ Masculinity is defined in positive and not-so-positive ways; we celebrate characteristics like: strength, independence, boldness, loyalty, risk-taking, leadership, etc., but must challenge unhelpful expectations such as: never showing feelings (except anger), always be independent, be first and stay on top, separate from all things female, be tough and don't back down, etc.;
- ♦ Need to move beyond the limiting expectations of boys and empower them to grow into men who can find satisfaction and success in all aspects of their lives, including a full range of feelings, respect and a deep appreciation of connected relationships; and
- ♦ Discussions of gender equity must move beyond politically pitting the sexes against each other; we all need to look for solutions from multiple sociological and cultural perspectives.

Handouts. Ms. Fortune presented the following materials to the Commission:

- ♦ NCPOIP Packet: Information brochures on Gender Project initiatives, including “Turn Beauty Inside Out, Maine”; and
- ♦ Family Issues: Current Research on Family Topics for Maine Educators: Understanding Gender Differences: Strategies to Support Girls and Boys.

Discussion. Commission members and Ms. Fortune discussed the following issues:

- ♦ Funding for project initiatives is about \$200,000 (mostly in in-kind services);
- ♦ Whether curricular changes occurring in early childhood and teacher preparation programs in our colleges include information related to gender socialization;
- ♦ Schools and school curriculum provide can unlimited opportunities to address issues related to gender socialization: in how schools create safe classroom environments and through different pieces of the curriculum;
- ♦ Community approach needed to involve all who deal with children, including parents, teachers, coaches, community leaders, etc.; and
- ♦ Schools can also heighten students’ “media literacy” and help our youth challenge gender stereotypes and harmful images and messages.

6. Public comment. No public comment was offered.

7. Boys to Men Conference. Lane Gregory and Daryl Fort, Conference Steering Committee Members, provided a history of the conference and the network of agencies that support the conference:

- ♦ In the hopes of supporting positive, non-violent male development, the Portland Family Violence Collaborative decided to become more involved in outreach to young men; in 1998, a planning group of men, women, and boys began to design a one day conference modeled after the successful Portland-based "Where the Girls Are" Conference;
- ♦ Because boys are most receptive to non-violent messages when they hear it from men they respect, it was recognized early on by the planning group that bringing fathers and adult male mentors together with boys was going to be especially critical to meeting the goals set for the conference;
- ♦ Held in November of 2000 and 2001, the first two Boys to Men conferences were enormously successful and each one attracted more than 400 boys and their adult male mentors from all across the state;
- ♦ The Boys to Men conference successfully combines a day of learning and building relationships, with fun; a keynote speaker and over 40 workshops were presented during the 2001 conference; and
- ♦ The conference combines substantive issues related to growing up male with a variety of recreational and vocational activities; each Boys to Men conference has a theme: “Manhood: Media and Violence” (2000), “Transition: Boyhood to Manhood” (2001) and “Fathers and 2002).

Handouts. Ms. Gregory and Mr. Fort presented videotape produced by participants during the 2001 conference; and they also provided the following materials:

- ♦ Boys to Men: A Conference Exploring How to Get There in One Piece: 2002 Conference Packet; and
- ♦ Boys to Men: A Conference Exploring How to Get There in One Piece: 2001 Conference Evaluation.

Discussion. Commission members, Ms. Gregory and Mr. Fort discussed the following aspects of the conference:

- ♦ The opportunities and challenges of replicating the conference in other parts of the state or repeating it each year so that more participants could attend;
- ♦ Planning and preparation for a cohesive conference takes a great deal of time and involves a large number of volunteers; interested parties from Auburn and Augusta have met with organizers; it would require a critical mass of men to replicate the conference in other places;
- ♦ Conference budget is around \$25,000 and much of it is contributed through sponsorships intensive; only has one paid staff person (at .50 FTE of her time);
- ♦ Implications on exploring relationships with girls and women when there is a lack of participation of girls in the conference; and
- ♦ Guidelines for determining religious content of workshops.

8. Commission work session and planning. Commission Members & Staff began a discussion of preliminary findings and recommendations by focusing on the list of “barriers to fatherhood” that was created during the first Commission meeting.

Preliminary Findings re: Barriers to Fatherhood. The consensus views of Rep. Simpson, Sen. Pendleton, Rep. Laverriere-Boucher, Ms. Douglas, and Ms. Leinonen are presented below. Since only 5 of the 9 members participated in this review, they requested that the results of their review be forwarded to the members who were not in attendance. Please note that new text is underlined and ~~old text~~ is stricken-through:

Personal Barriers

- ♦ Father’s literacy, educational attainment, personal development, job skills, employment, housing, child care, travel time to children’s primary residence, etc.;
- ♦ “Divorced Dads” book provided to Commission members also cited lack of transportation and increased commuting time to work as barriers;

Cultural Barriers

- ♦ Cultural ~~Expectations~~ regarding the roles that boys, men and fathers play in society, communities and families;
- ♦ ~~Gender bias in societal expectations and roles of men as compared to women;~~

◆ ~~“Father Facts” (written by Wade F. Horn, Ph.D.) from National Fatherhood Initiative includes a number of cultural factors that represent barriers to father involvement, including the incidence of non-marital childbearing, cohabitation and divorce and the implementation of government social welfare policies that provide disincentives to childbearing within a marriage and to encouraging two-parent families;~~

◆ A dearth of developmental opportunities to nurture boys and men and to cultivate caring and engaged fathers;

◆ ~~Consider cultural barriers to positive parenting for prospective fathers, as well as barriers to parenting abilities of existing fathers;~~

◆ Male emotional development as a barrier . . . the only emotion encouraged for young men is anger and this is not helpful in nurturing the wide range of emotions necessary to have loving relationships;

◆ Language as a barrier . . . we must be careful discussing “absent dad” or dad as a “visitor”; divorce decrees now use “parenting time,” “contact schedule,” “custody time,” etc.;

Institutional Barriers

◆ [Tabled] Lack of respect for fathers contacting state agencies (gender bias or institutional bias);

◆ The Portland Partnership study of fatherhood involvement found that some schools are not welcoming to fathers and often overlook the primary or shared responsibility that fathers have for their children do not provide a welcoming environment for fathers and fall short of fostering and maintaining the lines of communication necessary to engage fathers more fully in their children’s learning;

◆ ~~Bias against men as prospective foster parents (e.g., presumption of low IQ);~~

◆ [Tabled] State government and local education agencies do not often include contact information for fathers (particularly non-custodial fathers) in their information system records, thus preventing fathers from accessing resources available to them and information about their family in periods of family crisis;

◆ ~~Clarify education~~ The statutory requirement-duty that schools may provide notification to the non-custodial parent, as well as to the custodial parent, needs to reinforced and made a requirement;

◆ Inadequate resources to provide supervised visitation centers, including supervised child contact centers and services to enable non-custodial fathers to visit with their children;

◆ “Gender profiling” . . . we tend to lump fathers into one aggregate grouping (e.g., “out of ads, “deadbeat dads” and “divorced dads”) . . . we need to have disaggregated data to be sensitive to both good and bad aspects of fathers and fatherhood;

◆ NCPOIP reported that low-income, non-custodial fathers often have fewer resources available to them in terms of programs that can provide them with the assistance necessary to become self-sufficient and meet their child support obligations.

Legal Barriers

◆ Perception of Gender or institutional bias in our legal system, including our laws, government agencies and courts (e.g., “parental rights and responsibilities” orders and

- ◆ ~~Presumption of guilt against men in situations where protective orders are established;~~
- ◆ ~~Statutes, regulations and legal notices are often written in a manner that is hostile to fathers and discriminatory;~~
- ◆ ~~Inequitable treatment related to child support enforcement and visitation rights;~~
- ◆ The need for alternative approaches -- other than having to go to court -- to resolve disputes and problems in the areas of “parental rights and responsibilities”;
- ◆ ~~Inequitable services and resources provided to mothers and fathers in custody cases (e.g., free legal counseling for mothers through Pine Tree Legal or Lawyers Project, but access is often not available to non-custodial fathers)~~ Lack of affordable mediation and legal services for non-custodial fathers;
- ◆ ~~Fathers are alone in addressing issues and concern; need father’s groups to provide advocacy and access to grants and resources to get through legal system during family difficulties~~ Court is an adversarial place and uncomfortable environment; and non-custodial fathers need family case management to continue when disputes arise following a court order.

Review work plan and discuss next steps. Commission members discussed the following issues as next steps to complete the work of the Commission:

- ◆ In addition to the hearing from the Family Division of the District Court at the final meeting, invite Department of Education officials to the next meeting to discuss initiatives in the schools to address gender socialization through the curriculum and to review parental notification requirements;
- ◆ Per request of Rep. Cummings, to allow Paul Ouellette, MSW to make a 20 minute presentation to the commission;
- ◆ Directed staff to provide members with a summary of: (a) barriers; (b) strategies to overcome those barriers; and (c) the public or private service provider that is (or perhaps should be) providing resources to improve the parenting abilities of fathers;
- ◆ Mr. Heath requested that members be given the opportunity, if necessary, to append a one page letter to the commission report to summarize their views;
- ◆ Directed staff to inform members who were not present to review “fatherhood barriers” to be prepared to present their views on these and other barriers at the next meeting; and
- ◆ Rep. Simpson requested the side-by-side analysis prepared by Peggy Reinsch for the Judiciary Committee on LD 1405.

9. Public comment. No public comment was offered.

10. Adjournment. The meeting adjourned at 3:50 p.m.

Respectfully submitted,

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Office of Policy & Legal Analysis